

138. (New) An apparatus for marketing goods and/or services, comprising:

a computerized central communications facility providing information relating to goods and/or services to customers at a plurality of computerized remote facilities, each of said plurality of computerized remote facilities remote from and linked to said computerized central communications facility; and

a database of information relating to said goods and/or services accessible to customers at said plurality of computerized remote facilities;

wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities.

REMARKS

I INTRODUCTION

Claims 30-36, 38-45, 47-54, 57-64 and 67-138 are pending. Claims 30-36, 38-45, 47-54, 57-64 and 67-107 stand rejected. The following is Applicant's response to the rejections made in the Office Action (presented in the same order as addressed in the Office Action).¹

II THE OBVIOUSNESS REJECTIONS SHOULD BE WITHDRAWN

**A. CLAIMS 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92 AND 100
ARE NOT OBVIOUS IN LIGHT OF THE PRIOR ART**

¹ The Examiner is reminded of the co-pending application no. 09/504,374 by the same inventor of the instant application.

Claims 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92 and 100 stand

rejected under 35 U.S.C. §103(a) as allegedly unpatentable over “Services: AT&T provides compass” (hereinafter AT&T) in view of U.S. Patent No. 4,992,940 to Dworkin (“Dworkin”). For at least the reasons that follow, Applicant requests reconsideration and withdrawal of this rejection.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art teach or suggest each element of the claim, the prior art must also suggest combining the elements in the manner contemplated by the claim. See *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F. 2d 931, 934 (Fed. Cir. 1990); *In re Bond*, 910 F. 2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a prima facie case of obviousness. M.P.E.P. §2142. To establish a prima facie case of obviousness, the Examiner must show that three basic criteria are met. M.P.E.P. §2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references’ teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference or references, when so modified or combined, must teach or suggest all of the claim limitations. *Id.* Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not in applicant’s disclosure. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Finally, in discharging the initial burden of establishing a prima facie case, the Examiner must make particular findings as to establish the motivational element. *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000). That is, the PTO cannot rely on mere conclusory statements but instead must explain its reasoning why one of ordinary skill would be motivated

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to select the references and combine them to reach the claimed invention, and must provide evidence to support such a motivation. *In re Lee*, 277 F.3d 1338 (Fed. Cir. 2002).

Applicant respectfully submits that none of these criteria for obviousness are met here.

The Office Action fails to explain why one of ordinary skill would be motivated to select the two cited references and combine them to reach the claimed invention of Applicant. The Examiner fails to cite specific portions of the references which themselves suggest that the references should be combined in the manner claimed, nor does he offer any support for such elsewhere. Thus, the Examiner has failed to present a *prima facie* case of unpatentability under section 103.

Indeed, the AT&T and Dworkin references cannot properly be combined for at least the reason that modifying AT&T in view of Dworkin changes the principle of operation of AT&T, rendering it unsuited for its intended purpose. AT&T was not “an apparatus to market and sell goods and services over an electronic network”, but rather AT&T was merely a directory of directories for Internet users, not by customers such as Dworkin. In AT&T, the system was used by the scientific community in order to locate information for scientific research, not to acquire goods and services. AT&T was a standalone database. In contrast, Dworkin discloses a template-driven computerized system used by a customer for the purpose of commerce. The internet was a system of multiple servers each a research facility providing scientific research information, whereas in Dworkin there existed only a single server or central computer for providing product information. Combining would therefore change AT&T’s principle of operation from a system of multiple central computers to one of a single central computer and its use from providing scientific research information to one providing product information. One

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system (AT&T) was for providing scientific research information and the other (Dworkin) about providing product information. It is improper to combine such disparate references

For at least these reasons, Applicant respectfully submits that the AT&T and Dworkin references cannot properly be combined.

Accordingly, and since the Examiner has not provided an explanation (supported by evidence) of a motivation to combine the AT&T and Dworkin references in light of the conflicting requirements of these references, Applicant requests reconsideration and withdrawal of all rejections based on combining AT&T and Dworkin.

Further, the AT&T reference only states that the directory of directories provides information so the user 'know(s) where to look to find out where the info is located'. Neither it nor Dworkin 'provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services' as is herein claimed. Therefore, the prior art references, even when so modified or combined, do not teach or suggest all of the claimed limitations.

Furthermore, AT&T does not disclose or suggest a "first computerized central facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities" as stated by the Examiner. The reference repeatedly states AT&T is a "road map" to information or that it is a "directory of directories" and that it will "point the user in the right direction to find the information that they are looking for" and "that the users will be able to find out where the information is stored". Once the user found the source of information they were looking for, they had to contact the source directly, not through

the AT&T directory. No where does it state AT&T has the capability to connect the user to the location of the information they desire. The AT&T system had no ability to link the user to the source of the information once they found the source(s) they sought. In other words, the “first computerized central communications facility” (AT&T) was not adapted to be linked to a “plurality of other computerized central communications facilities” (each source of information listed in its directory). Therefore, even if the combination of these two references were proper, their teaching fails to disclose the present invention.

The prior art fails to meet at least one element in each of the rejected claims. For example, dependent claim 32 recites, *inter alia*, the

apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods or services offered or any special offerings.

In pertinent part, thus, as recited above the dependent claim recites a central facility ‘programmed to contact the customer’. Neither AT&T nor Dworkin disclose, teach or suggest this feature, whether considered alone or in combination. Even if Dworkin as at the cited passage (col. 9, lines 36-47) teaches apprising the customer of special offerings, Dworkin does not teach that the central facility contacts the customer, but rather that if the user so chooses he/she can view “Item No. 4 , New Products” which is information on new products and special promotions from the management of the system. Thus, the management of the system merely

posts this information, it is not communicated to the customer by “at least one of said computerized central communications facilities” which is “programmed to contact the customer and apprise said customer of goods and services offered or any special offerings”.

For at least these reasons, Applicant submits that the references, even if combined, do not disclose, teach nor suggest at least the limitations of dependent claim 32 as set forth above. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

With respect Claims 39 and 40, no where in the two page AT&T reference provided to the applicant is downloading software mentioned. Therefore, these Claims are allowable.

With respect to Claim 41, Dworkin does not disclose, teach or suggest that software can be downloaded from the computerized central communications facility to the computerized remote communications facility. Fig 1 and the specification at Col.4, lines 17-24 only disclose the computer 1 can be connected electronically to the vendors so that orders can be placed by ordinary mail, electronic mail, or facsimile. Therefore, Claim 41 is allowable.

In addition, all other claims dependent on Claim 30 are allowable because they are dependent on an allowable claim.

With respect to Claim 44, AT&T does not disclose, teach or suggest “said first central communications facility adapted to enable said customer to select and contact a second central communication facility. As stated above, AT&T only provides a “directory of directories”, it does not enable the customer to contact the source(s) of information (the plurality of central communication facilities) through its system once the location [the reference does not state the directory furnishes addresses, merely the “location”] of the source once it is found . For this reason, Claim 44 is allowable.

With respect to Claim 54, Dworkin does not disclose, teach or suggest 'a software application for assisting the central communications facility to download a contract to the computerized remote location'. Fig 1 and the specification at Col. 4, lines 17-24 only disclose the computer (1) can be connected electronically to the vendors so that orders can be placed by ordinary mail, electronic mail, or facsimile. Therefore, Claim 54 is allowable as are all other claims which are dependent on independent Claim 44.

With respect to independent Claim 59, neither reference nor the combination of the references (which is not a proper combination as argued above) discloses, teaches or suggests a first database associated with a first provider of goods or services adapted to direct the customer at a remote location to a second database associated with a second provider of goods or services enabling a remote facility to browse each of said databases. For this reason, Claim 59 and all claims dependent on it are allowable.

With respect to Claim 60, AT&T does not disclose "establishing communication with a third database containing information relating to goods and services". According to the reference, it merely provided information so the user would 'know where to look to find out where the information is located', not to find the actual information. It was only a directory of directories helping the user locate a directory containing the particular info they were looking for. It did not point them to the actual information source. The references contain no basis that either ATT or the other directories 'pointed' to an actual online database of goods or services.

Claims 59 and 60 are allowable for the reasons given, as are all claims which depend therefrom.

With respect to Claims 80 and 81, even if the combination of AT&T and Dworkin were proper, Dworkin only allowed the user to view information on those goods and services stored on the CPU (singular) as retrieved upon submitting a completed template, it does not disclose teach or suggest an interactive link with multiple central facilities and databases of goods and services nor does it provide that a customer may browse the databases. These claims are in condition for allowance.

With respect to Claims 82-85, 87-90, 92 and 100 these claims are not anticipated by the cited prior art nor the improper combination thereof. Independent Claims 82, 87, 88, 89 and 90 define an apparatus or first computerized central communications facility wherein the first computerized central communications facility allows the customer to select and contact at least one other computerized central facility. This distinguishing feature is not disclosed, shown or taught by the references. Again, for the reasons set forth above, these claims are allowable. Claims 92 and 100 are similar to claim 32 and as such are allowable as set forth in the reasons above.

**B. CLAIMS 50, 72, 77, 78 AND 86 ARE NOT OBVIOUS IN LIGHT OF THE
PRIOR ART**

Claims 50, 72, 77, 78 and 86 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over AT&T in view of U.S. Patent No. 4,992,940 to Dworkin ("Dworkin") and further in view of McCalley et al, Patent No 5,191,410 (hereinafter "McCalley"). For at least the reasons that follow, Applicant requests reconsideration and withdrawal of this rejection.

As an initial matter, the Office Action fails to explain why one of ordinary skill would be motivated to select the three cited references and combine them to reach the claimed invention of Applicant. Thus, the Examiner has failed to present a *prima facie* case of unpatentability under section 103.

Furthermore, for the reasons discussed more fully above, the combination of AT&T and Dworkin is improper. Similarly, the combination of McCalley with AT&T and Dworkin is improper as in McCalley the customer is only permitted a single source of information whereas in AT&T the user is presented with a listing of multiple sources. McCalley, therefore teaches away from AT&T and it is as such not proper to combine. For this reason, Claims 50,72,77,78 and 86 are allowable.

**C. CLAIMS 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103 AND 107 ARE NOT OBVIOUS
IN LIGHT OF THE PRIOR ART**

Claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95 103 and 107 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over AT&T in view of U.S. Patent No. 4,992,940 to Dworkin (“Dworkin”) and further in view of Filepp et al, Patent No 5,347,632 (hereinafter “Filepp et al”). For at least the reasons that follow, Applicant requests reconsideration and withdrawal of this rejection.

As an initial matter, the Office Action fails to explain why one of ordinary skill would be motivated to select the three cited references and combine them to reach the claimed invention of Applicant. Thus, the Examiner has failed to present a *prima facie* case of unpatentability under section 103.

Furthermore, for the reasons discussed more fully above, the combination of AT&T and Dworkin is improper. Similarly, the combination of Filepp with AT&T is improper as in Filepp the many customers are permitted a single source of information. Filepp discloses multiple central facilities (400, 300 and 200), but they are all from the same provider/source. Furthermore, Filepp teaches away from multiple information sources, see Filepp at col.6, lines 41-44, explaining that the Filepp system “eliminates the need to consult multiple information sources.” In contrast, in AT&T the user has multiple sources. Filepp therefore does not add anything to the teachings of AT&T and in fact teaches away. Just as it was improper to combine Dworkin and D’Agostino it is now improper to combine Filepp and Dworkin.

Also, and in regards claims 53 and 107, nowhere in the cited passage does Filepp teach providing auction services. He only provides for the “display of quotes and buy/sell orders for stocks and bonds”.

Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

For at least the reasons stated above, the rejection of claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103 and 107 under section 103 should be withdrawn.

D. CLAIMS 91, 99 AND 100 ARE NOT OBVIOUS IN LIGHT OF THE PRIOR ART

Claims 91, 99 and 100 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over AT&T in view of U.S. Patent No. 4,992,940 to Dworkin (“Dworkin”) and further in view of

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Anonymous, “Prodigy Services and Offerings” (hereinafter “Prodigy”). For at least the reasons that follow, Applicant requests reconsideration and withdrawal of this rejection.

As an initial matter, the Office Action fails to explain why one of ordinary skill would be motivated to select the three cited references and combine them to reach the claimed invention of Applicant. Thus, the Examiner has failed to present a *prima facie* case of unpatentability under section 103.

Furthermore, for the reasons discussed more fully above, the combination of AT&T and Dworkin is improper. Similarly, the combination of Prodigy with AT&T and Dworkin is improper. Prodigy only states it is adding several special-interest offerings to its electronic information and shopping network. Specifically, it discloses they send electronic reminders to the customer’s personal computer, but it is the customer who initiates the contact by first submitting the dates for which he wishes to be reminded. Prodigy merely responds to the request. Further, it is also a closed system with no navigation between central facilities. For these reasons, Claims 91, 99 and 100 are allowable.

E. CLAIMS 70-76 ARE NOT OBVIOUS IN LIGHT OF THE PRIOR ART

Claims 70-76 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over AT&T in view of U.S. Patent No. 4,992,940 to Dworkin (“Dworkin”) and further in view of McCalley et al, Patent No 5,191,410 (hereinafter “McCalley”). For at least the reasons that follow, Applicant requests reconsideration and withdrawal of this rejection.

As stated above, the Office Action fails to explain why one of ordinary skill would be motivated to select the three cited references and combine them to reach the claimed invention of

Applicant. Thus, the Examiner has failed to present a *prima facie* case of unpatentability under section 103.

Furthermore, for the reasons discussed more fully above, the combination of AT&T and Dworkin is improper. Similarly, the combination of McCalley with AT&T and Dworkin is improper as in McCalley the customer is only permitted a single source of information whereas in AT&T the user is presented with a listing of multiple sources. McCalley, therefore teaches away from AT&T and it is as such not proper to combine. For this reason, Claims 70-76 are allowable.

F. CLAIMS 93, 96-98, 101 AND 104-106 ARE NOT OBVIOUS IN LIGHT OF THE PRIOR ART

Claims 93, 96-98, 101 and 104-106 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over AT&T in view of U.S. Patent No. 4,992,940 to Dworkin ("Dworkin") and further in view of Examiner's use of Official Notice. For at least the reasons that follow, Applicant requests reconsideration and withdrawal of this rejection.

As stated above, the Office Action fails to explain why one of ordinary skill would be motivated to select the three cited references and combine them to reach the claimed invention of Applicant. Thus, the Examiner has failed to present a *prima facie* case of unpatentability under section 103.

Furthermore, for the reasons discussed more fully above, the combination of AT&T and Dworkin is improper. Similarly, the combination of the Official Notice with AT&T and Dworkin is improper. For this reason, Claims 93, 96-98, 101, and 104-106 are allowable.

III. THE DOUBLE PATENTING REJECTION SHOULD BE WITHDRAWN

Claims 30-36, 38-45, 47-54, 57-64 and 67-107 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of U.S. Patent No. 6,055,514 in view of AT&T and Dworkin.

As an initial matter, the Office Action fails to explain why one of ordinary skill would be motivated to select AT&T and Dworkin and combine them with the '514 patent to reach the claimed invention of Applicant. However, even this would not establish a *prima facie* case of obviousness-type double patenting. Rather, in order to establish grounds for a double patenting rejection, the Office must analyze all of the considerations relating to alleged obviousness under section 103. MPEP §804. This was not done.

Furthermore, with respect to the double patenting rejection the Office Action fails to present any discussion at all for any of the claims other than claim 30. Notwithstanding, as discussed above AT&T does not disclose "a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network" Again, it is a computerized facility which contains a directory of directories, which merely tell the user where to look to find where the information they are looking for is located; technical information on a variety of subjects. All it does then is refer, not direct them and not even to the information they are looking for but rather to another directory. The AT&T system is not adapted to be linked to any of these other facilities.

Accordingly, this rejection should be reconsidered and withdrawn.

IV. NEW CLAIMS 108-138

Applicant has added new claims 108-138 in order to claim subject matter disclosed by his pending application and not anticipated or obvious in view of the prior art. Each of independent claims (108, 115, 123, 130 and 138) and the corresponding support for these claims as set forth in this Amendment, are to subject matter the Applicant is entitled to claim. Each is believed to be allowable in view of the prior art relied upon by the Examiner in his Office Action.

108. A marketing apparatus for use with a distant communications apparatus,	See title ' <u>SYSTEM AND METHOD FOR FACILITATING TRANSACTIONS UTILIZING CENTRAL AND REMOTE LOCATIONS</u> '; under Summary of the Invention see pg8ln1(8:1) 'The method by which the transactions are facilitated reduces the costs associated with creating, <u>marketing</u> , administering, and selling these products and services...', 6:32 '...a number of the remote locations may be concurrently linked with one or more central facilities or auction houses so that groups of customers at each remote or local auction facility may participate in the actual auction at one or more distant central facilities...' and 8:15 '...transaction system and method where having earlier established communication between the remote and central locations the customer may use the electric communications facilities...'.
said distant communications apparatus having means for storing a digital image of a good for sale, means for storing a data record of said good for sale,	see 'Field of the Invention' pg1 '...system and method for facilitating transactions utilizing central and remote facilities in concurrently or nonconcurrently transmitting voice or audio, <u>data</u> , and <u>images</u> ...to sell... <u>goods</u> '; see under Description of the Prior Art at 3:34 '...the preferred embodiment of the present invention where the information is

	centralized or <u>stored centrally</u> '.
and means for transmitting such to said marketing apparatus.	see 'Field of the Invention' pg1 '...system.. for facilitating transactions ... in ... <u>transmitting</u> voice or audio, data, and images...';
said marketing apparatus comprising: a communications means for communicating with said distant communications apparatus, a processor operably connected to said communications means, said processor receiving a data record of a good for sale from said distant communications apparatus, said processor receiving an identification code from said distant communications apparatus;	see 6:32 '...a number of the remote locations may be <u>concurrently linked with one or more central facilities</u> or auction houses so that groups of customers at each remote or local auction facility may participate in the actual auction at one or more distant central facilities...', see 13:24 for digital computer 18 which would encompass a <u>processor</u> , see 16:12 using <u>identification code</u> to identify facility/apparatus.
a storage device operably connected to said processor, said storage device adapted to receive said data record of a good for sale, said data record containing an image of said good for sale and a written description of said good for sale;	See 3:35, '...the present invention where the information is centralized or <u>stored centrally</u> and thereafter transmitted...', 12:29 '... the present invention employing an array of means for transmitting and/or <u>receiving</u> information comprising <u>visual</u> , audio, and/an <u>data</u> ...', 18:1 'Information for home users when purchasing or renting movies, music, or other forms of entertainment might comprise: ratings, titles, product <u>descriptions</u> , artists or actors, articles written...'
presentation software operably connected to said storage device and a communications link, said presentation software providing via said communications link an interface to said marketing apparatus for a customer, said presentation software providing said customer with access to said data record written description and said image of said good for sale;	19:32 'The transmitted <u>presentation</u> may utilize a well known spokesperson and give the appearance of a commercial or infomercial. On his own the customer may back up, fast forward, skip, or jump to the specific product information he wishes...', 18:29 graphics <u>software</u> permitting customer to <u>access data</u> .
a transaction processor operably connected	13:9 'the system may be used to execute a

to said communications link and said storage device, said transaction processor adapted to enable customer to tender payment, and to approve said payment means; and	<u>transaction...</u> , 11:8 'The system could thus provide a <u>means to ...tender payment</u> for goods and services purchased.', 21:13 ' <u>...approve the intended purchase...</u> '.
a transaction record means operably connected to said transaction processor, said transaction record means transmitting to said customer in response to said purchase request a record of said transaction.	14:7 ' <u>...customer may be provided a separate recording or printing device to provide the customer a <u>record</u> or receipt of <u>any transaction</u> he may perform...</u> '
115. An apparatus to market and/or sell goods or services over an electronic network comprising:	As with Claim 30, the specification at page 1, lines 10-17 disclosed: "The present invention generally relates to... <u>system</u> and method for facilitating transactions..."); the specification at page 8 lines 1-4 discloses: "The method by which the transactions are facilitated reduces costs associated with creating, <u>marketing</u> , administering, and <u>selling these products and services...</u> ", 8:16 ' <u>...established communication between the remote and central locations the customer may use the <u>electronic</u> communications facilities...</u> '
a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities,	The specification at page 5, lines 8-10 discloses: "...whereas the present invention would with central storage permit each remote facility or location to communicate with an array of central facilities..."; the specification at page 6, line 31 – page 7 line 3 discloses: "For auction houses a number of the remote locations may be <u>concurrently linked with one or more</u> central facilities..."; the specification at page 7 lines 30-35 discloses: "The customer is to communicate with central facilities or locations comprising banks,... or in general any location for which a customer might wish assistance; the specification at page 9 line 33 – page 10 line 7 discloses: "...upon pressing or utilizing the touch screen, keyboard or input device the customer may

	activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services.”
<p>each of said first of other computerized central communications facilities having information relating to goods or services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to:</p> <p>receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information or interest;</p> <p>enable said customer to at least one of search, browse and access said database for information of interest; and</p> <p>transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility,</p>	<p>The specification at page 3 line 34 – page 4 line 3 discloses: “...unlike the preferred embodiment of the present invention where the <u>information</u> is centralized or stored centrally and thereafter transmitted to the customer at the remote location...”; the specification at page 16, lines 3-7, discloses: “[t]he <u>customer may establish contact with the central facility’s</u> equipment without the assistance of a representative and merely help himself in a self-service mode where he may <u>browse through databases</u> of goods and services.”; the specification at page 21 lines 28-30 discloses: “The customer may respond to questions regarding his medical history and based upon a search of medical history either at the central facility...”</p>
wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding the rental of entertainment products.	18:1 ‘Information for home users when purchasing or <u>renting</u> movies, music, or other <u>forms of entertainment</u> might comprise: ratings, titles, product descriptions, artists or actors, articles written by critics or excerpts of, short segments of music or movie (samples or previews)...’
123. A method for running application	see title ‘SYSTEM AND <u>METHOD...</u> ’,

software in a computer network environment, comprising:	12:30 ‘...means for <u>transmitting and/or receiving information</u> comprising visual, audio, and/or data between the financial services facility or location 12 and a customer at one of the respective remote facilities or locations 14.’, and 10:8 ‘... <u>application software</u> ...’
providing at least one computerized remote communications facility and at least one computerized central communications facility coupled to said network environment, wherein said network environment is a hypermedia transmitted environment;	See Figure 1, 12:12 ‘The transactions facilitating system 10 includes at least one <u>central facility</u> 12, such as a financial services company, marketer, or manufacturer and at least one remote <u>facility</u> 14...’, 20:4 ‘Information may be provided at various levels of detail through a technique known as <u>hypertext</u> .’
executing, at said computerized remote communications facility, browsing application software that processes a first transmitted hypermedia document to identify visual and/or audio information in said hypermedia document caused to be transmitted from said computerized central communications facility for a customer at said computerized remote communications facility;	18:14 ‘The digital computer 18 stores suitable well-known off-the-shelf operations, communications and perhaps graphics <u>software programs</u> in its memory and is <u>operational to translate</u> the signals, electronic or otherwise, caused to be transmitted from the financial services facility 12 into such displayed, audio reproduced...’, 20:4 ‘Information may be provided at various levels of detail through a technique known as <u>hypertext</u> .’
utilizing said browsing application software to display, on a monitor at said computerized remote communications facility, at least a portion of a first transmitted hypermedia document received over said network from said computerized central communications facility, wherein a portion of said first hypermedia document is displayed within a first browsing application software window on said monitor at said computerized remote communications facility, wherein said computerized remote communications facility has downloaded application software from at least one of said computerized central communications facilities in a current or past session, wherein said browsing application software	18:27 ‘An example of a suitable graphics program is one commercially available under the trademark <u>Harvard Graphics</u> which may be used to reconstruct digitally transmitted information...’. According to its web site (see http://www.harvardgraphics.com/about.asp) Harvard Graphics ran on the Windows operating system which supports multiple document windows. 10:12 ‘...it may also be beneficial to <u>download</u> certain <u>software</u> from the central facility to the remote location to provide proper control and support for the customer...’, 18:14 ‘The digital computer 18 stores suitable well-known off-the-shelf operations, communications and perhaps graphics software programs in its memory and is

<p>is operational to process information contained in said hypermedia document, and wherein said downloaded application software is operational to translate information contained in said transmitted hypermedia document in order to display in said first browsing application software window or otherwise reproduce said information at a computer for said customer at said computerized remote communications facility.</p>	<p><u>operational to translate</u> the signals, electronic or otherwise, caused to be transmitted from the financial services facility 12 into such displayed, audio <u>reproduced</u>, recorded,...</p>
<p>130. A method for enabling a remote user to preview a portion of a pre-recorded entertainment product from a network computerized central communications facility containing pre-selected portions of different pre-recorded entertainment products, using a computer, a computer display and a telecommunications link between the remote user's computer and the network computerized central communications facility, the method comprising the steps of:</p>	<p>16:34 'Having established contact ... with the customer's modem 16, digital computer 18, monitor 22 ...to transmit and provide helpful audio, video, and data information to the customer about the transaction being proposed ...Such information ...may comprise audio and visual information related to those goods and services ...Information for home users when purchasing or renting movies, music, or other forms of <u>entertainment</u> might comprise: ratings, titles, product descriptions, artists or actors, articles written by critics or excerpts of, short segments of music or movie (samples or <u>previews</u>)...'</p>
<p>a) using the remote user's computer to establish a telecommunications link to the network computerized central communications facility wherein the network computerized central communications facility comprises (i) a central computer coupled to a communications network for retrieving and transmitting the pre-selected portion of the pre-recorded entertainment product upon request by a remote user and (ii) a central storage device for storing pre-selected portions of a plurality of different pre-recorded entertainment products;</p>	<p>16:3 '...customer may establish contact with the central facility's equipment ...help himself in a self-service mode where he may browse through databases of goods and services...'</p>

b) choosing at least one pre-selected portion of the pre-recorded entertainment products from said central computer;	16:34 and 16:3 as above 16:3 as above
c) receiving the chosen pre-selected portion of the pre-recorded products; and	16:3 as above
d) interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product.	16:34 as above
<p>138. An apparatus for marketing goods and/or services, comprising:</p> <p style="padding-left: 40px;">a computerized central communications facility providing information relating to goods and/or services to customers at a plurality of computerized remote facilities, each of said plurality of computerized remote facilities remote from and linked to said computerized central communications facility; and</p> <p style="padding-left: 40px;">a database of information relating to said goods and/or services accessible to customers at said plurality of computerized remote facilities;</p> <p style="padding-left: 40px;">wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities.</p>	pg6 ln31 'For auction houses a number of the remote locations may be concurrently linked with one or more central facilities or auction houses so that groups of customers at each remote or local auction facility may participate in the actual auction at one or more distant central facilities or houses.'

In particular, Claim 108 is allowable because the references do not disclose, teach or suggest a distant communications apparatus transmitting an image and data of a good for sale to

a marketing apparatus upon receiving an identification code thereafter retransmitting the information to a customer. This claim is largely copied from US Patent No. 5,845,265 to Woolston, independent claim 8, having been modified to coincide with the terminology in applicant's applications.

Claim 115 is allowable because the references do not disclose, teach or suggest a system of multiple central and remote facilities wherein at least one of said computerized central communications facilities is adapted to provide a customer product rental information. The Examiner may wish to consult US Patent No.6,584,450 to Hastings, et al as it pertains to rentals.

Claim 123 is allowable because the references do not disclose, teach or suggest a hypermedia system of remote and central facilities using browsing and downloaded software to reproduce transmitted hypermedia documents. This claim is largely copied from US Patent No.5,838,906 to Doyle, et al, independent claim 1, having been modified to coincide with the terminology in applicant's applications.

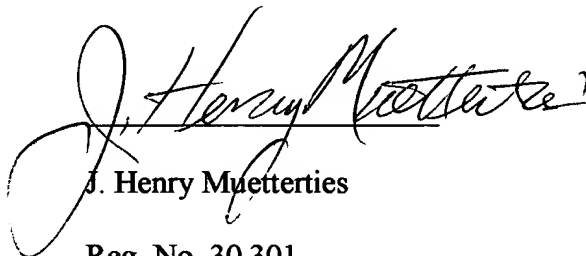
Claim 130 is allowable because the references do not disclose, teach or suggest a system of multiple central and remote facilities wherein the central facilities transmit previews of entertainment products. This claim is largely copied from US Patent No. 5,963,916 to Kaplan, independent claim 1, having been modified to coincide with the terminology in applicant's applications.

Claim 138 is allowable because the references do not disclose, teach or suggest a system of multiple central and remote facilities wherein customers may submit auction bids.

CONCLUSION

It is therefore respectfully submitted that claims 30-36, 38-45, 47-54, 57-64 and 67-138 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "J. Henry Muetterties". The signature is written in a cursive style with a large, looping initial "J".

J. Henry Muetterties

Reg. No. 30,301

July 2, 2004